## II. CLAIM AMENDMENTS

1. (Currently amended) A method of determining a bit rate of information transmitted ~~in~~from a first communication device to a second communication device, the first communication device comprising a protocol stack ~~for transferring information to a second communication device~~, the protocol stack comprising a protocol layer, the protocol layer providing a logical channel for transferring ~~first~~the transmitted information through said protocol layer, ~~in which~~the method comprising:

- transferring the ~~first~~transmitted information ~~is transferred~~ through the protocol layer via said logical channel according to a chosen transport format, the transport format defining a predetermined transmission block size for transfer of said transmitted information via the logical channel, an amount of transmitted information equal to the transmission block size being transferred in a predetermined transmission time interval~~,~~; ~~characterized in that~~
- determining, at the first communication device, a bit rate value representative of the bit rate in ~~said~~the logical channel ~~is determined~~ on the basis of ~~second information obtainable from said protocol layer~~the chosen transport format; and
- providing an indication of the determined bit rate value to one of an application program running on the first communication device and another protocol layer of the first communication device.

2-5 (Canceled)

6. (Currently amended) A method according to claim 1, ~~characterized in that~~wherein said protocol stack is a WCDMA

(Wideband Code Division Multiple Access) protocol stack and that the first communication device communicates with said second communication device using the WCDMA protocol stack.

7. (Currently amended) A method according to claim 1, ~~characterized in that~~wherein the protocol layer through which the ~~first~~transmitted information is transferred via said logical channel is the MAC (Medium Access Control) Layer of the WCDMA protocol stack.

8. (Currently amended) A method according to claim 1, ~~characterized in that~~wherein said first communication device is a wireless terminal of a cellular communication network and the second communication device is a network element of a cellular communication network.

9. (Currently amended) A method according to claim 1, ~~characterized in that~~wherein said first communication device is a network element of a cellular communication network and said second communication device is a wireless terminal of a cellular communication network.

10. (Currently amended) A method according to claim ~~5~~1, ~~characterized in that~~ wherein said transport format comprises parameters TBS (Transmission Block Size) and TTI (Transmission Time Interval), and the bit rate value representative of the bit rate in ~~a given~~said logical channel is determined on the basis of the values of said parameters by means of a mathematical calculation in which the value of parameter TBS is divided by the value of parameter TTI, thereby providing an estimate of the instantaneous bit-rate in the logical channel during a period of time defined by TTI.

11. (Currently amended) A method according to claim 1, ~~characterized in that~~ wherein more than one logical channel passes through said protocol layer ~~and each of said more than one logical channel is identified by a logical channel identifier~~and the method of claim 1 is applied to each of said more than one logical channels.

12. (Canceled)

13. (Canceled)

14. (Currently amended) A method according to claim 6, ~~characterized in that~~comprising ~~said second information, on the basis of which the bit rate is determined, is taken~~obtaining information about the chosen transport format from the MAC Layer of the WCDMA protocol stack in response to the transfer of a data block coming from the RLC Layer of the WCDMA protocol stack from a logical channel of the MAC Layer to a transport channel of the Physical Layer of the WCDMA protocol stack in connection with transmission of the data block.

15. (Canceled)

16. (Canceled)

17. (Currently amended) A method according to claim ~~12~~1, ~~characterized in that~~comprising determining the bit rate value in the logical channel ~~is determined~~ repeatedly.

18. (Currently amended) A method according to claim 17, ~~characterized in that~~comprising maintaining and updating said

repeatedly determined bit rate value ~~is maintained and updated~~ in a memory available for use by the first communication device.

19. (Currently amended) A method according to claim 17, ~~characterized in that~~comprising calculating an average bit rate in said logical channel ~~is calculated~~.

20. (Currently amended) A method according to claim 19, ~~characterized in that~~comprising calculating said average ~~is calculated~~ as a running average.

21. (Currently amended) A method according to claim 19, ~~characterized in that~~comprising maintaining and updating said average ~~is maintained and updated~~ in a memory available for use by the first communication device.

22. (Canceled)

23. (Currently amended) A method according to claim ~~22~~1, ~~characterized in that~~wherein said ~~bit rate value provided to an~~ application program running on the first communication device ~~is used to~~ optimizes an information flow produced by the application program in response to said indication of the determined bit rate value.

24. (Canceled)

25. (Currently amended) A method according to claim ~~24~~1, ~~characterized in that~~ wherein said ~~bit rate value provided to an~~other protocol layer ~~is used to~~ optimizes an information flow transmitted by said other protocol layer in response to said indication of the determined bit rate value.

26. (Currently amended) A method according to claim ~~1~~11, ~~characterized in that~~wherein more than one logical channel passes through said protocol layer and ~~that~~ a PDP (Packet Data Protocol) context uses more than one logical channel for transmitting said ~~first~~transmitted information to said second communication device, ~~in which~~the method comprising determining ~~the~~a total bit rate of the PDP context in a given communication direction ~~(UL/DL) during said period of time is determined~~ by adding the bit rate values of the logical channels in use by the PDP context in said given communication direction.

27. (Currently amended) A method of determining a bit rate of information received ~~in~~at a first communication device from a second communication device, the first communication device comprising a protocol stack ~~for receiving information from a second communication device~~, the protocol stack comprising a protocol layer, the protocol layer providing a logical channel for transferring ~~first~~the received information through said protocol layer, ~~in which~~the method comprising:

- transferring the ~~first~~received information ~~is transferred~~ through the protocol layer via said logical channel according to a chosen transport format, the transport format defining a predetermined transmission block size for transfer of said transmitted information via the logical channel, an amount of transmitted information equal to the transmission block size being transferred in a predetermined transmission time interval~~,~~; ~~characterized in that~~
- determining, at the first communication device, a bit rate value representative of the bit rate in ~~said~~the logical channel ~~is determined~~ on the basis of ~~second information~~

~~obtainable from said protocol layer~~the chosen transport format; and

- providing an indication of the determined bit rate value to one of an application program running on the first communication device and another protocol layer of the first communication device.

28. (Currently amended) A method according to claim 27, ~~characterized in that~~wherein said first communication device comprises a WCDMA protocol stack~~ and that said second information, on the basis of which the bit rate is determined~~, the method comprising ~~is taken~~ obtaining information about the chosen transport format from the MAC Layer of the WCDMA protocol stack.

29. (Currently amended) A ~~first~~ communication device ~~(60)~~ comprising a protocol stack~~ for transferring information to a second communication device~~, the protocol stack comprising a protocol layer ~~(103)~~, the protocol layer being arranged to provide a logical channel ~~(141 144)~~ for transferring ~~first~~ transmitted information through said protocol layer, the ~~first~~ communication device ~~comprising~~being arranged to:

- ~~a processing element (CPU) for~~ transfer~~ring~~ the ~~first~~transmitted information through the protocol layer ~~(103)~~ via said logical channel according to a chosen transport format, the transport format defining a predetermined transmission block size for transfer of said transmitted information via the logical channel, an amount of transmitted information equal to the transmission block size being transferred in a predetermined transmission time interval~~,~~; ~~characterized in that the first communication device further comprises~~

- ~~a processing element (CPU, 208) for~~ determin~~ing~~e a bit rate value representative of the bit rate in the logical channel ~~(141 144)~~ on the basis of ~~second information obtainable from said protocol layer~~the chosen transport format; and
- provide an indication of the determined bit rate value to one of an application program running on the communication device and another protocol layer of the communication device.

30. (Canceled)

31. (Currently amended) A ~~first~~ communication device according to claim 29, ~~**characterized** in that it comprises a processing element (CPU, 208) for~~arranged to determin~~ing~~e the bit rate value in the logical channel repeatedly.

32. (Currently amended) A ~~first~~ communication device according to claim 31, ~~**characterized** in that it~~ comprise~~s~~ing a database ~~(209) and said repeatedly determined bit rate value is~~for maintain~~ed~~ing and update~~d~~ing ~~in a memory available for use by the first communication device~~said repeatedly determined bit rate value.

33. (Currently amended) A ~~first~~ communication device according to claim 29, ~~**characterized** in that it comprises a processing element (CPU, 208, 209) for~~arranged to calculat~~ing~~e an average of the bit rate in the logical channel.

34. (Currently amended) A ~~first~~ communication device according to claim 33, ~~**characterized** in that it comprises a processing element (CPU, 208, 209) for~~arranged to calculat~~ing~~e said average as a running average.

35. (Currently amended) A ~~first~~ communication device according to claim 33, ~~**characterized** in that it~~ comprise~~s~~ing a database ~~(209)~~ for maintaining and updating said average.

36. (Currently amended) A ~~first~~ communication device ~~(60)~~ comprising a protocol stack ~~for receiving information from a second communication device~~, the protocol stack comprising a protocol layer ~~(103)~~, the protocol layer being arranged to provide a logical channel ~~(141 - 144)~~ for transferring ~~first~~received information through said protocol layer, the ~~first~~ communication device ~~comprising~~being arranged to:

- ~~a processing element (CPU) for~~ transfer~~ring~~ the ~~first~~received information through the protocol layer ~~(103)~~ via said logical channel according to a chosen transport format, the transport format defining a predetermined transmission block size for transfer of said transmitted information via the logical channel, an amount of transmitted information equal to the transmission block size being transferred in a predetermined transmission time interval~~,~~; ~~**characterized** in that the first communication device further comprises~~
- ~~a processing element (CPU, 208) for~~ determin~~ing~~e a bit rate value representative of the bit rate in the logical channel ~~(141 - 144)~~ on the basis of ~~second information obtainable from said protocol layer~~the chosen transport format; and
- provide an indication of the determined bit rate value to one of an application program running on the communication device and another protocol layer of the communication device.